

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on March 1, 2005.

Claims 2-4, 6-14, and 19-25 are pending in the Application and stand rejected. Claims 2-4, 6, 8-13, and 19-21 are amended and Claim 1 is cancelled without prejudice or disclaimer by the present Amendment.

Claims 1-4, 6-9, 11, 13, 14, and 19-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Obrist et al. (U.S. Patent No. 4,111,322, hereinafter “Obrist”) in view of Kamata et al. (U.S. Patent No. 5,431,697, hereinafter “Kamata”). Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Obrist in view of Kamata and further in view of Ohmi et al. (U.S. Patent No. 5,769,255, hereinafter “Ohmi”). Claims 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Obrist in view of Kamata, and further in view of Parisneau (U.S. Patent No. 6,579,006, hereinafter “Parisneau”).

Applicants thank Primary Examiner Joseph C. Merek and Examiner James N. Smalley for the courtesy of an interview extended to Applicants’ representative on March 24, 2005. During the interview, Applicants’ representative reiterated the lack of motivation to combine Obrist and Kamata in support of the obviousness rejection of the claims. The patentability of Claim 22 in view of the art of record was also discussed. Although an agreement with respect to the claims was not reached during the interview, Examiner Smalley noted in the interview summary (form PTOL-413) that: “(1) Applicant’s representative presented arguments in support of the patentability of all claims; and (2) it was Examiner’s opinion that claim 22 appears to overcome the art of record.”

Claims 2-4, 6, 8-13, and 19-21 have been amended to dependent from Claim 22. Applicants further submit that the cancellation of Claim 1 is in no way to be interpreted as a

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concession by the part of Applicants that the outstanding rejection of Claim 1 is in any way proper. Based at least on the foregoing discussion and the results of the personal interview, Applicants respectfully submit that the above-summarized rejections are now moot. Their withdrawal is respectfully requested.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116, which after a Final Rejection permits entry of amendments placing the claims in condition for allowance or in better form for consideration on appeal.¹ As the present amendment is believed to overcome the outstanding rejections under 35 U.S.C. § 103, the present amendment places the application in condition for allowance. In addition, the present amendment is not believed to raise new issues since the changes to Claims 2-4, 6, 8-13 and 19-21 simply change their dependency, thus being of a minor nature. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 2-4, 6-14, and 19-25 is earnestly solicited.

¹ See, for example, MPEP § 714.12.

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Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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